

BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON

IN THE MATTER OF ENFORCEMENT) ACTION AGAINST)) Leslie Martinez)) Respondent.) _____) IT IS ALLEGED as follows:)	PDC CASE NO: 01-469 Amended Notice of Administrative Charges
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I.
JURISDICTION

Jurisdiction of this proceeding is based on Chapter 42.17 RCW, the Public Disclosure Act, Chapter 34.05, Administrative Procedure Act, and Title 390 WAC.

II.
LAW

RCW 42.17.240 Elected and appointed officials, candidates, and appointees—Reports of financial affairs and gifts, states in part: “(1) Every elected official and every executive state officer shall after January 1st and before April 15th of each year file with the commission a statement of financial affairs for the preceding calendar year...”

RCW 42.17.241 details the content required in each report.

WAC 390-24-010 Forms for Statement of Financial Affairs, states in part: “The official form for statements of financial affairs as required by RCW 42.17.240 is designated ‘F-1’, revised 11/97...”

III. **FACTS**

The Respondent, Leslie Martinez, is a City Council Member for the City of Enumclaw, 2817 Christianson Avenue, Enumclaw, Washington. Her term of office ends in the year 2001.

(Exhibit 1) Ms. Martinez is not a candidate for re-election in 2001. Ms. Martinez held office during 2000 and was required to file a Statement of Financial Affairs (PDC form F-1) by April 15, 2001. Because April 15th fell on a Sunday, the form was due on Monday, April 16, 2001. The F-1 report was not filed. On May 17, 2001, Leslie Martinez was sent a postcard informing her that the F-1 report due by April 16, 2001 had not been received. **(Exhibit 2)** On June 15, 2001, Ms. Martinez was notified of a brief enforcement hearing scheduled for July 24, 2001. On July 17, 2001, Ms. Martinez was notified that the brief enforcement hearing had been rescheduled to July 30, 2001. She was given an opportunity to file the missing F-1 report, sign a Statement of Understanding, admitting a violation, and pay a penalty of \$50. **(Exhibit 3)** No response was received. On July 30, 2001, Chair Christine Yorozu asked that the full Commission hear the matter. A hearing before the full Commission was scheduled for August 28, 2001. On August 28, 2001, prior to the hearing, Ms. Martinez was contacted by telephone. She stated that she had not received notice of the hearing before the full Commission. The notice was sent to her post office box. Ms. Martinez requested that future correspondence be sent to her home address. At the request of Ms. Martinez, the Commission postponed the hearing. The F-1 report due April 16, 2001 has not been received.

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Past History – Leslie Martinez was elected to the City Council for the City of Enumclaw in 1997. She filed the required Personal Financial Affairs Statement (PDC form F-1) on October 3, 1997. She filed the required annual F-1 report in 1998 on September 2, 1998.

Ms. Martinez failed to file the annual F-1 report in 1999. On October 22, 1999, the PDC sent a hearing notice in PDC Case No. 00-128 to Leslie Martinez alleging that she failed to file PDC Form F-1 by April 15, 1999. On November 19, 1999, an order was entered finding Ms. Martinez in violation of RCW 42.17.240 and assessing a civil penalty of \$150. The PDC's decision is set forth in its Findings of Fact, Conclusions of Law, and Order sent to Ms. Martinez.

Ms. Martinez failed to file the annual F-1 report in 2000. On October 6, 2000, the PDC sent a hearing notice in PDC Case No. 01-082 to Leslie Martinez alleging that she failed to file PDC form F-1 by April 17, 2000. On December 11, 2000, an order was entered finding Ms. Martinez in violation of RCW 42.17.240 and assessing a civil penalty of \$500. The PDC's decision is set forth in its Findings of Fact, Conclusions of Law, and Order sent to Ms. Martinez.

PDC Case No. 00-128 and PDC Case No. 01-082, with outstanding penalties totaling \$650, were referred to the Attorney General's Office for collection on February 22, 2001 and remain unpaid. F-1 reports due in 1999, 2000, and 2001 have not been filed. Ms. Martinez is not a candidate for re-election in 2001.

Summary of F-1 Filings for Leslie Martinez

<u>Case No.</u>	<u>Description</u>	<u>Year Due</u>	<u>Violation</u>	<u>Penalty</u>	<u>Comments</u>
NA	Candidate F-1	1997	NA	NA	Filed 10-3-97
NA	Annual F-1	1998	NA	NA	Filed 9-2-98
00-128	Annual F-1	1999	.240	\$150	Referred AG 2-22-01
01-082	Annual F-1	2000	.240	\$500	Referred AG 2-22-01
01-469	Annual F-1	2001			F-1 not filed

IV.
CONCLUSION

Staff alleges, based on the facts specified in Section III, that Leslie Martinez violated RCW 42.17.240 by failing to file a Statement of Financial Affairs (PDC form F-1) by April 16, 2001.

RESPECTFULLY SUBMITTED this 10th day of September, 2001.

_____/s
Philip E. Stutzman
Director of Compliance